

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to driver licensing and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 600, “General Information,” Chapter 602, “Classes of Driver’s Licenses,” Chapter 604, “License Examination,” Chapter 605, “License Issuance,” and Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.189 and 321.445.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.176, 321.177, 321.182, 321.189, 321.196 and 321.445 and 2019 Iowa Acts, Senate File 304, section 3.

#### *Purpose and Summary*

The proposed rule making makes technical changes to Chapters 600 and 605 by relocating rules, currently found in Chapter 600, regarding persons exempt from driver’s licensing requirements and persons not to be licensed, and placing those rules into Chapter 605. The goal of the proposed amendments that relocate the affected rules from Chapter 600 to Chapter 605 is to gather all the rules relating to eligibility and ineligibility for issuance of a driver’s license into Chapter 605 to save the reader from having to review multiple chapters for pertinent information related to driver’s license issuance.

In addition, the proposed amendments update the definition of “qualified medical professional” to reference an advanced registered nurse practitioner’s being “licensed,” rather than “registered,” by the Board of Nursing and match the definition in Iowa Code section 152.1. The proposed amendments also amend subrule 605.11(2), which addresses criteria for replacing a driver’s license, to require a licensee to notify the Department of a residential address change but not require the licensee to provide two forms of proof of address, which is required when applying for a new license pursuant to subrule 601.5(3). This change reduces the chance that a licensee will be turned away for not having the necessary documentation to be issued a duplicate license by aligning with current Department practice of not requiring two forms of proof of address when a licensee is issued a duplicate license.

The proposed amendments rescind and do not transfer the content of existing subrule 600.4(9) to Chapter 605, but instead eliminate this subrule entirely. Currently, subrule 600.4(9) prohibits the Department from issuing a driver’s license to a person who is named on a certificate of noncompliance issued by the College Student Aid Commission for failure to satisfy student debt. 2019 Iowa Acts, Senate File 304, section 3, which will become effective July 1, 2019, eliminates the College Student Aid Commission’s authority to issue a certificate of noncompliance and trigger a license suspension for failure to satisfy student debt by repealing Iowa Code sections 261.121 through 261.127. The College Student Aid Commission has not exercised the option to trigger a license suspension for failure to satisfy student debt since 2012. It did not make sense for the Department to transfer and perpetuate a subrule that will no longer be authorized beginning July 1, 2019, so subrule 600.4(9) was not included in the rule reorganization. When Senate File 304 becomes effective, the Department will make necessary changes to other chapters in a subsequent rule making in order to implement Senate File 304.

The proposed amendments make other updates to Chapters 600 and 605 to correct an office name, a telephone number, and Iowa Code and rule citations.

The proposed amendments also make conforming amendments to rule citations in Chapters 602, 604 and 607.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 25, 2019. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy Bureau  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

#### *Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

June 27, 2019  
1 p.m.

Department of Transportation  
Motor Vehicle Division  
6310 SE Convenience Boulevard  
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

#### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—600.1(321) as follows:

**761—600.1(321) Definitions.** The definitions in Iowa Code section 321.1 and the following definitions apply to the rules in 761—Chapters 600 to 699.

*“Director of the ~~office of driver and identification services~~ bureau”* includes the ~~office~~ bureau director’s designee.

*“License”* means “driver’s license” as defined in Iowa Code ~~subsection~~ section 321.1(20A) unless the context otherwise requires.

*“Medical report”* means ~~a report from a qualified medical professional attesting to a person’s physical or mental capability to operate a motor vehicle safely. The report should be submitted on Form 430031, “Medical Report.” In lieu of Form 430031, a report signed by a qualified medical professional on the qualified medical professional’s letterhead may be accepted if it contains all the information specified on Form 430031.~~

*“Qualified medical professional”* means a person licensed as a physician under Iowa Code chapter 148, a person licensed as an advanced registered nurse practitioner under Iowa Code chapter 152 and registered with the board of nursing, or a person licensed as a physician assistant under Iowa Code chapter 148C, when practicing within the scope of the person’s professional licensure.

This rule is intended to implement Iowa Code section 321.1.

ITEM 2. Amend rule 761—600.2(17A) as follows:

**761—600.2(17A) Information and location.** Applications, forms and information concerning driver’s licensing are available at any driver’s license ~~examination station~~ service center. Assistance is also available by mail from the ~~Office of Driver and Identification Services~~ Bureau, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at ~~(800)532-1121~~ (515)244-8725; or by facsimile at ~~(515)237-3071~~ (515)239-1837; or on the department’s website at www.iowadot.gov.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 3. Rescind rule **761—600.3(321)**.

ITEM 4. Rescind and reserve rule **761—600.4(252J,261,321)**.

ITEM 5. Renumber rule **761—600.16(321)** as **761—600.3(321)**.

ITEM 6. Amend renumbered rule 761—600.3(321) as follows:

**761—600.3(321) Seat belt exemptions.**

**600.3(1)** A person who is unable to wear a safety belt or safety harness for physical or medical reasons may obtain a form to be signed by the person’s health care provider licensed under Iowa Code chapter 148 or 151. Form No. 432017, “Iowa Medical Safety Belt Exemption,” is available from the ~~office of driver and identification services at the address in rule 761—600.2(17A)~~ bureau.

**600.3(2)** Iowa Code ~~section 321.445, subsections 1 and 2, sections 321.445(1) and 321.445(2)~~ shall not apply to the front seats and front seat passengers of motor vehicles owned, leased, rented or primarily used by a person with a physical disability who uses a collapsible wheelchair.

This rule is intended to implement Iowa Code section 321.445.

ITEM 7. Amend paragraph **602.12(1)“b”** as follows:

*b.* The license shall have one endorsement authorizing a specific type of motor vehicle or type of operation, as listed in 761—subrule ~~605.4(3)~~ 605.7(3). The gross vehicle weight rating shall be determined pursuant to rule 761—604.35(321).

ITEM 8. Amend subrule 602.21(2) as follows:

**602.21(2) Requirement.** An applicant must submit a medical report pursuant to 761—subrule ~~600.4(6)~~ as referenced in 761—subrule 605.4(6).

ITEM 9. Amend paragraph **604.31(1)“c”** as follows:

c. *Class D driver’s licenses.* For a Class D driver’s license, a driving test in a representative vehicle for the endorsement requested, as set out in 761—subrule ~~605.4(3)~~ 605.7(3), is required.

ITEM 10. Renumber rules **761—605.2(321)** to **761—605.6(321)** as **761—605.5(321)** to **761—605.9(321)**.

ITEM 11. Adopt the following **new** rules 761—605.2(321) to 761—605.4(252J,321):

**761—605.2(321) Definitions.** The definitions in Iowa Code section 321.1 and the following definitions apply to this chapter.

“*License*” means “driver’s license” as defined in Iowa Code section 321.1(20A) unless the context otherwise requires.

“*Medical report*” means a report from a qualified medical professional attesting to a person’s physical or mental capability to operate a motor vehicle safely. The report should be submitted on Form 430031, “Medical Report.” In lieu of Form 430031, a report signed by a qualified medical professional on the qualified medical professional’s letterhead may be accepted if it contains all the information specified on Form 430031.

“*Qualified medical professional*” means a person licensed as a physician under Iowa Code chapter 148, a person licensed as an advanced registered nurse practitioner under Iowa Code chapter 152 and licensed with the board of nursing, or a person licensed as a physician assistant under Iowa Code chapter 148C, when practicing within the scope of the person’s professional licensure.

This rule is intended to implement Iowa Code section 321.1.

**761—605.3(321) Persons exempt.**

**605.3(1)** Persons listed in Iowa Code section 321.176 are exempt from driver’s licensing requirements.

**605.3(2)** “Nearby” in Iowa Code section 321.176(2) shall mean a distance of not more than two miles.

This rule is intended to implement Iowa Code section 321.176.

**761—605.4(252J,321) Persons not to be licensed.**

**605.4(1)** The department shall not knowingly issue a license to any person who is ineligible for licensing.

**605.4(2)** The department shall not knowingly license any person who is unable to operate a motor vehicle safely because of physical or mental disability until that person has submitted a medical report stating that the person is physically and mentally capable of operating a vehicle safely.

**605.4(3)** The department shall not knowingly license any person who has been specifically adjudged incompetent, pursuant to Iowa Code chapter 229, on or after January 1, 1976, including anyone admitted to a mental health facility prior to that date and not released until after, until the department receives specific adjudication that the person is competent. A medical report stating that the person is physically qualified to operate a motor vehicle safely shall also be required.

**605.4(4)** The department shall not knowingly license any person who suffers from syncope of any cause, any type of periodic or episodic loss of consciousness, or any paroxysmal disturbances of consciousness, including but not limited to epilepsy, until that person has not had an episode of loss of consciousness or loss of voluntary control for six months, and then only upon receipt of a medical report favorable toward licensing.

a. If a medical report indicates a pattern of only syncope, the department may license without a six-month episode-free period after favorable recommendation by the medical advisory board.

b. If a medical report indicates a pattern of such episodes only when the person is asleep or is sequestered for sleep, the department may license without a six-month episode-free period.

c. If an episode occurs when medications are withdrawn by a qualified medical professional, but the person is episode-free when placed back on medications, the department may license without a six-month episode-free period with a favorable recommendation from a neurologist.

*d.* If a medical report indicates the person experienced a single nonrecurring episode, the cause has been identified, and the qualified medical professional is not treating the person for the episode and believes it is unlikely to recur, the department may license without the six-month episode-free period with a favorable recommendation from a qualified medical professional.

**605.4(5)** The department shall not license any person who must wear bioptic telescopic lenses to meet the visual acuity standard required for a license.

**605.4(6)** When a medical report is required, a license shall be issued only if the report indicates that the person is qualified to operate a motor vehicle safely. The department may submit the report to the medical advisory board for an additional opinion.

**605.4(7)** When the department receives evidence that an Iowa licensed driver has been adjudged incompetent or is not physically or mentally qualified to operate a motor vehicle safely, the department shall suspend the license for incapability, as explained in rule 761—615.14(321), or shall deny further licensing, as explained in rule 761—615.4(321).

**605.4(8)** The department shall not knowingly issue a license to a person who is the named individual on a certificate of noncompliance that has been received from the child support recovery unit, until the department receives a withdrawal of the certificate of noncompliance or unless an application has been filed pursuant to Iowa Code section 252J.9.

This rule is intended to implement Iowa Code sections 252J.8, 252J.9, 321.13, 321.177, 321.210, and 321.212.

ITEM 12. Amend renumbered rule 761—605.5(321), introductory paragraph, as follows:

**761—605.5(321) Contents of license.** In addition to the information specified in Iowa Code ~~subsection~~ section 321.189(2), the following information shall be shown on a driver's license.

ITEM 13. Amend renumbered subparagraph **605.8(6)“b”(1)** as follows:

(1) If a person is licensed pursuant to ~~761—subrule 600.4(4)~~ subrule 605.4(4), the department shall issue the first driver's license with a restriction stating: “Medical report to be furnished at the end of six months.”

ITEM 14. Renumber existing rule **761—605.9(321)** as **761—605.10(321)**.

ITEM 15. Amend paragraph **605.11(2)“b”** as follows:

*b.* Replacement to change the current residential address on a license. The licensee shall ~~comply with the requirements of 761—subrule 601.5(3) to establish a change of current residential address~~ notify the department to establish the current residential address.

ITEM 16. Amend paragraph **605.11(2)“j”** as follows:

*j.* Replacement to add a veteran designation to the license. To be eligible for a veteran designation, the licensee must comply with the requirements of paragraph ~~605.2(7)“e.”~~ 605.5(7)“e.”

ITEM 17. Amend rule 761—607.18(321), introductory paragraph, as follows:

**761—607.18(321) Restrictions.** The restrictions that may limit commercial motor vehicle operation with a commercial driver's license are listed in 761—subrule ~~605.5(3)~~ 605.8(3) and are explained below: